

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MBNA AMERICA BANK NA, AS  
TRUSTEE, UNITED STATES OF AMERICA  
(IRS), and ROES and DOES I through CM,  
inclusive,

Plaintiffs,

v.

Barbara Joan; Kenaston,

Defendant.

Case No. MS05-5042FDB


ORDER OF REMAND

Defendant purports to remove this case from Kitsap County Superior Court asserting that it was filed there on September 18, 2005, that it became removable in October “because subject matter jurisdiction has been challenged and has not been answered on record,” and that this court has diversity jurisdiction over this matter.

Defendant Kenaston has made no showing that this matter of either timely nor appropriately removed. Moreover, this matter cannot be filed as a miscellaneous case.

IT IS ORDERED: this cause of action is REMANDED to Kitsap County Superior Court.

DATED this 22<sup>nd</sup> day of December, 2005.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE